

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII

901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101
BEFORE THE ADMINISTRATOR

02 MAY 31 PM 3:36
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of)	
)	
The Procter & Gamble Manufacturing Co.)	Docket Nos.
Kansas City, Kansas)	CERCLA -07-2001-0101
)	EPCRA-07-2001-0101
)	
Respondent.)	

CONSENT AGREEMENT AND FINAL ORDER

The complaint commencing this proceeding for the assessment of a civil penalty was filed on or about September 28, 2001, pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9609, and Section 325 of the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. § 11045, when the United States Environmental Protection Agency (Complainant or EPA) issued to The Procter & Gamble Manufacturing Company, Kansas City, Kansas, (Respondent) a Complaint and Notice of Opportunity for Hearing.

The Complaint charged Respondent with violations of EPCRA Section 304, 42 U.S.C. § 11004, and the regulations promulgated pursuant to Section 328 of EPCRA, 42 U.S.C. § 11048, and codified at 40 C.F.R. Part 355; and Section 103 of CERCLA, 42 U.S.C. § 9603, and the regulations promulgated pursuant to Section 102 of CERCLA, 42 U.S.C. § 9602, and codified at 40 C.F.R. Part 302.

The Complaint proposes a penalty of Eighty-two Thousand Five Hundred Dollars (\$82,500) for these violations.

CONSENT AGREEMENT

1. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in the Complaint filed in this matter. Respondent neither admits nor denies the factual allegations set forth in the Complaint filed in this matter.

2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint filed in this matter.

3. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

4. Respondent certifies by the signing of this Consent Agreement and Final Order that to the best of Respondent's knowledge, Respondent's Kansas City, Kansas facility is presently in compliance with all requirements of Section 103 of CERCLA, 42 U.S.C. § 9603, and all implementing regulations, 40 C.F.R. Part 302; and Section 304 of EPCRA, 42 U.S.C. § 11004, and all implementing regulations, 40 C.F.R. Part 355.

5. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of the civil penalty as set forth below.

6. Respondent understands that the failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this Order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest thereon at the applicable statutory rate.

7. Although not required by CERCLA, EPCRA or any other federal, state or local law, in settlement of this matter, Respondent agrees to undertake the following environmentally beneficial projects:

a. Create a web page for the Wyandotte County Kansas Local Emergency Planning Committee (LEPC). The technical direction for this project will be thru the Wyandotte County Office of Emergency Management. Respondent agrees to hire a company that specializes in Internet development to build and host the web site in accordance with the specifications of the LEPC. Respondent agrees to also purchase certain electronic equipment to facilitate the LEPC's access to the web page. The web page will facilitate dissemination of information and emergency notices to the community and enhance notification of accidental releases by members of the community. The web page will improve emergency planning and reporting of accidental releases. Respondent agrees to begin meeting with the LEPC on or before March 31, 2002, to discuss specifications for this web site; and,

b. Improve the Brine Stripper PRV to prevent releases of DMA by piping relief values from the vent system to a surge tank to prevent any release to the environment.

8. Respondent agrees to expend at least \$30,000 by April 1, 2003, to implement the web page project set forth in Paragraph 7a. Respondent agrees to submit copies of invoices or other documentation to EPA to substantiate these expenditures. Respondent will also provide documentation to EPA showing receipt by the LEPC of the equipment, at which time Respondent's obligations under paragraph 7a shall be satisfied. In the event that Respondent fails to expend \$30,000 by April 1, 2003 to implement this project, Respondent agrees to pay a stipulated penalty EPA. Respondent shall be liable for a stipulated penalty of two dollars (\$2) for every one dollar (\$1) under \$30,000 that Respondent fails to expend to implement this project.

9. Respondent agrees to complete the improvements to the Brine Stripper by July 1, 2002. If Respondent does not complete the improvements to the Brine Stripper set forth in Paragraph 7 b, by July 1, 2002, Respondent agrees to pay a stipulated penalty of \$20,000 to EPA. Respondent will confirm by letter that the project was completed by July 1, 2002, at which time Respondent's obligations under paragraph 7b shall be satisfied.

10. Respondent agrees that any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the creation of a web page for the Wyandotte County LEPC, shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action, In re The Procter & Gamble Manufacturing Company, taken by the United States Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Emergency Planning and Community Right to Know Act (EPCRA)."

FINAL ORDER

Pursuant to the provisions of CERCLA, 42 U.S.C. § 9601, and EPCRA, 42 U.S.C. 11001, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Eight Thousand Dollars (\$8,000), within thirty days of entry of this Final Order. EPA shall fax the Final Order to Respondent on the date of entry. Payment shall be by two cashier's or certified checks, each in the amount of Four Thousand Dollars. The first made payable to the "United States Treasury" shall be should be remitted to:

EPA-Region VII
Attn: Regional Hearing Clerk
c/o Mellon Bank
Post Office Box 360748M
Pittsburgh, Pennsylvania 15251.

The second made payable to "EPA Hazardous Substance Superfund" and remitted to:

EPA - Region 7
Attn.: Superfund Accounting
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251.


2. A copy of each check should be sent to:

Julie M. Van Horn
EPA-Region VII
Office of Regional Counsel
901 North Fifth Street
Kansas City, Kansas 66101.

3. Respondent and Complainant shall bear their own costs and attorneys' fees incurred as a result of this matter.

4. Respondent shall implement and complete the environmentally beneficial projects set forth in Paragraph 7 of the Consent Agreement. In the event that Respondent does not complete the environmentally beneficial projects set forth in Paragraph 7, Respondent shall pay stipulated penalties as set forth in Paragraphs 8 and 9 of the Consent Agreement. Such stipulated penalties shall be immediately due and payable upon written notice to Respondent by EPA.

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By 
Julie M. Van Horn
Senior Assistant Regional Counsel

Date 1 May 2002

RESPONDENT:
THE PROCTER & GAMBLE
MANUFACTURING CO.
KANSAS CITY, KANSAS

By 
R. Keith Harrison

Title President

Date 4/17/02

IT IS SO ORDERED. This Final Order shall become effective
immediately.


Robert Patrick
Regional Judicial Officer

Date May 31, 2002

IN THE MATTER OF The Procter & Gamble Manufacturing Co., Respondent
Docket Nos. CERCLA-07-2001-0101 and EPCRA-07-2001-0101

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:


Copy hand delivered to
Attorney for Complainant:

Julie Van Horn
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by U.S. Certified Mail,
Return Receipt Requested, to:

David E. Ross
The Procter & Gamble Manufacturing Company
General Offices
1 Procter & Gamble Plaza
Cincinnati, Ohio 45202-3315

Dated: 6/3/02


Kathy Robinson
Regional Hearing Clerk